

APPEAL NO. 021017
FILED MAY 31, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 3, 2002. The hearing officer determined that the appellant/cross-respondent's (claimant) compensable cervical and lumbar spine and right wrist injury did not extend to the left knee and that the claimant had disability from _____ through August 8, 2001.

The claimant appeals, contending that the medical evidence supported her position that the compensable injury extended to the left knee and that she had disability through the date of the CCH. The respondent/cross-appellant (carrier) appeals, contending that the claimant "had no period of disability." The carrier responded to the claimant's appeal urging affirmance on the extent-of-injury issue. The file does not contain a response to the carrier's appeal from the claimant.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____, and that the carrier has accepted compensability of a cervical, lumbar, and right wrist injury. The claimant was employed as a shuttle driver by a car rental business and sustained a compensable injury when she was involved in a motor vehicle accident driving one of the employer's cars. How serious the accident was is in dispute. It is relatively undisputed that the claimant initially did not complain of a left knee injury and that the left knee complaint began, at the earliest, on June 13, 2001, with the date of the first medical report mentioning a left knee complaint being June 18, 2001. The hearing officer commented that "the type of accident does not adequately explain" how the knee was injured and that he was relying on the designated doctor's report to establish an end date to disability.

Issues of extent of injury and disability are questions of fact within the province of the hearing officer to resolve. There was conflicting evidence presented at the hearing on the issues. The hearing officer weighed the credibility and inconsistencies in the evidence and the hearing officer's determinations on the issues are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Accordingly, the hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Susan M. Kelley
Appeals Judge